

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 11-173—sSB 939

Government Administration and Elections Committee

Planning and Development Committee

**AN ACT CONCERNING REVISIONS TO ELECTIONS RELATED
STATUTES**

SUMMARY: This act makes changes to election laws affecting voter registry lists, the conduct of primaries and elections, election officials, voting equipment and polling places, post-election procedures, and certain campaign finance forms. Concerning voter registry lists, the act generally eliminates processing deadlines and duplication requirements rendered obsolete by the centralized voter registration system (CVRs).

With respect to the conduct of primaries and elections, the act, among other things, establishes a procedure for assigning unknown votes in the event that electors vote for a cross-endorsed candidate under more than one party designation. The act authorizes towns to publish joint notices of elections and primaries in a newspaper with general circulation in the towns (§§ 57-58). It also eliminates the requirement that town clerks submit to the secretary of the state a list of offices to be filled at regular state elections, but retains the requirement for municipal elections (§ 16).

The act conforms statute to practice by transferring several duties from town clerks to registrars of voters. It establishes a deadline by which town clerks must file a notice of a primary for municipal office candidates and town committee members: within three business days of receiving notice from the registrars that primary petitions have been received and verified (§ 22). In addition, the act authorizes the State Elections Enforcement Commission (SEEC) to conduct investigations based on statements that registrars of voters file alleging election violations, not just allegations that the secretary of the state or town clerks file (§ 28).

The act changes the form that political committees (known as PACs) use to indicate that they are allowed to receive lobbyist contributions while the General Assembly is in session.

It makes technical changes to reflect the switch from lever voting machines to optical scan voting tabulators, which primarily include substituting “tabulator” for “machine” and “ballot” for “ballot label.” It eliminates obsolete references to “voting tabulator technicians” and “machine mechanics” and conforms the law to practice by requiring registrars to perform their duties (e.g., retaining custody of voting tabulator keys (§ 54)) (see BACKGROUND). It similarly requires that a demonstrator device, rather than a spare machine, be available in each polling place to instruct electors how to properly cast their votes (§ 18).

The act repeals the statute establishing the obsolete Voting Technology Standards Board and eliminates all references to it (§ 69). The board was required

to terminate after submitting its report in January 2006. It also repeals a provision authorizing polling place observers (§ 69).

The act makes several other technical and conforming changes.

EFFECTIVE DATE: Upon passage, except provisions concerning (1) joint notices of elections and primaries and how municipal office candidates' names appear on the ballot are effective July 1, 2011; (2) permanent absentee ballot status is effective January 1, 2012; and (3) the authority of towns with two voting districts to have two registrars of voters per district is effective January 1, 2012 and applicable on and after January 9, 2013.

§§ 2-6, 8, 9, 12, 25, 29 & 61-63 — VOTER REGISTRY LISTS

By law, registrars of voters keep track of active and inactive voters. Prior to the CVRS, they accomplished this by maintaining voter registry lists, which they updated as required by law. Because the CVRS is computerized and updated continually, the act makes several changes affecting the completion, distribution, and retention of preliminary, final, and supplementary voter registry lists. Primarily, it eliminates most (1) obsolete deadlines associated with completing these lists and (2) printing, copying, and distribution requirements.

For example, it:

1. eliminates the deadline by which the preliminary registry list must be completed and provided to town clerks, and instead requires it to be available in the registrars' office;
2. eliminates the requirement for registrars to notice and hold sessions to correct the preliminary list before primaries and elections, and instead requires them or assistant registrars to be available for at least one of the 14 days preceding a primary or election to make corrections and to post their office hours before all elections;
3. extends the deadlines by which registrars must file the final and updated lists (i.e., names to be transferred, restored, or added) with town clerks from the second Friday and five days before a regular election, respectively, to the day after the last day to make changes to a registration;
4. removes the requirement that registrars compile a list of changes to the active and inactive registry lists on a monthly basis;
5. requires registrars to make the complete and corrected enrollment list available to the public upon request, rather than requiring them to make several copies;
6. requires registrars to give a copy of the preliminary and final registry lists to candidates for any office, not just the General Assembly;
7. requires the enrollment lists to be available in another municipal office when registrars are not in their office; and
8. eliminates references to a supplementary list.

Existing law, unchanged by the act, requires the final voter registry list to be kept for two years after each regular election. The act gives registrars the option of maintaining each final registry list on paper or electronically.

§ 6 — *Restoration of a Name to the Registry List*

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The act amends the process for restoring an elector's name to the voter registry list by requiring the elector to submit a voter registration card, rather than a written request. By law, registrars of voters must restore the name to the active list if it was omitted due to clerical error. On election day, both registrars must consent before a name may be restored to the active registry.

Prior law required registrars to also restore the name to the active list if the individual submitted a written request, signed under penalty of false statement, stating that he or she was still a town resident and (1) it appeared the name was formerly on the active registry list or (2) on election day, the name appeared on the inactive list. The act maintains the reasons for restoration but requires the elector to submit a voter registration card, rather than a written request.

§ 25 — CVRS

The act removes the authority registrars had under prior law to maintain a separate town-specific voter registry list (in addition to the statewide centralized list). It also establishes a specific deadline by which registrars of voters must update the CVRS after each election or primary, indicating whether each eligible voter voted and if so, whether in person or by absentee ballot. Under the act, they must do so no later than 60 days after the election or primary rather than “promptly” afterward, as under prior law.

§ 29 — *Notice of Duplicate Registration*

If a person is registered to vote in more than one town based on the list of possible duplicate registrations that the secretary of the state compiles, the law requires registrars of voters to send a notice of duplicate registration. Under prior law, registrars from the person's previous town sent the notice. The act requires registrars in the person's town of residence to send the notice.

§§ 23, 51, 60 & 65 — NOMINATIONS

The act establishes earlier deadlines for certain nominating petitions. Specifically, it requires party endorsements for candidates petitioning under a reserved party designation to be filed with the secretary of the state one week earlier: by 4 p.m. on the 62nd, rather than the 55th, day before the election. The 62nd day is the deadline for filing the certified list of minor party candidates.

The act also expands the information that minor parties must include in the list of nominations that they certify to the secretary of the state or town clerk, as appropriate. It requires the certification to include not only a list of nominated candidates, but also (1) their names as they authorize them to appear on the ballot, (2) their signature, (3) their full address, and (4) the office and district for which each is nominated.

The act specifies an enrollment deadline and narrows a residency requirement for district office candidates. Under the act, a nomination is valid only when the candidate's name appears on the party's enrollment list (1) for the district in which he or she will run and (2) by the last day preceding the party convention. Under prior law, the nomination was valid when the candidate's name was on the

enrollment list of a municipality that formed part of a district.

Finally, the act requires the secretary of the state to notify registrars of voters, not just the town clerk, when a primary for state office must be held in the municipality.

BALLOTS

§§ 14, 33 & 50 — Form, Layout, and Printing Requirements

The act eliminates the requirement that ballots be printed in black ink and on clear white material (i.e., paper) (see BACKGROUND). It requires ballots to indicate, for each office, how many candidates an elector may vote for. Previously, ballots had to show this information only when an elector could vote for two or more candidates for the same office.

The act maintains the requirement that town clerks prepare and print absentee ballots, including those for a referendum. But it authorizes registrars of voters to provide comments to clerks concerning their content and form before the ballots are printed. The act is silent on whether the clerks have to consider the comments.

§ 19 — Write-In Votes

Prior law prohibited counting write-in votes for nominated major and minor party candidates and petitioning candidates when electors could vote for more than one candidate for a particular office. The act allows these write-ins to be counted and recorded if the identity of the candidate can be determined.

§ 20 — Paper Ballot Elections

The act expands the circumstances under which registrars of voters may discontinue the use of voting tabulators and allow votes to be cast on paper ballots (which are different from those used with voting tabulators). Under the act, these ballots may be used for any election, primary, or referendum if (1) there is insufficient space on the tabulator ballot for the number of candidates, (2) the number of tabulators is insufficient, or (3) using tabulations would be impracticable. Under prior law, paper ballots (1) could be used only at a general election for the above-stated reasons, (2) could not be used at a primary, and (3) could be used at a referendum only if space for the question on the voting machine was insufficient.

The act requires that the procedures for securing and counting paper ballots comply as closely as possible with those for counting absentee ballots.

§§ 7, 24, 51 & 66 — Candidates' Names on the Ballot

The act allows candidates for municipal office, including minor and petitioning party candidates, to determine how their names appear on the ballot in a primary or general election. It does this by extending to municipal office candidates the same rights possessed by statewide and legislative office candidates, whose names appear on the ballot as they appear on the candidate's endorsement certificate or statement of consent. By law, a candidate's

endorsement certificate or statement of consent must contain his or her name, signature, full street address, and the title and district of the office being sought.

Under prior law, the name of a candidate for municipal office, other than the office of state senator or representative, appeared on the ballot as it appeared on the municipality's registry list.

The act makes a conforming change by eliminating a provision allowing municipal office candidates who change their name on the registry list up to 29 or 55 days preceding a primary or election, respectively, to have the change reflected on the ballot.

§ 39 — Unknown Votes

The act establishes a procedure for assigning “unknown votes” (i.e., votes cross-endorsed candidates receive when electors vote for them under more than one party designation for the same office). For each cross-endorsed candidate, the head moderator must (1) determine how many unknown votes the candidate received, (2) determine what percentage of his or her known votes was received under each endorsing party, and (3) attribute the unknown votes to each endorsing party based on this percentage. (For example, if a candidate receives 70 votes under Party X and 30 votes under Party Y, 70% of his or her unknown votes goes to Party X and 30% to Party Y.)

The act requires fractions to be rounded to the nearest whole number and specifies that endorsing parties receiving a percentage greater than zero must receive at least one vote, provided the remaining parties receive a proportional reduction in unknown votes if necessary. If any vote cannot be equally attributed, the act requires that it go to the endorsing party that received the most votes.

POLLING PLACES AND VOTING EQUIPMENT

§ 13 — Transporting, Preparing, Repairing, and Maintaining Voting Tabulators

Prior law prohibited candidates and their immediate family members from transporting, preparing, repairing, or maintaining a voting tabulator. The act extends this prohibition to a business entity of which a candidate or a candidate's immediate family member is an owner, employee, director, officer, member, or limited or general partner.

§ 26 — Ensuring Privacy

The act codifies a voter privacy regulation. To prevent anyone from seeing how an elector votes, the act requires registrars of voters to ensure that each ballot clerk (1) offers each elector a privacy sleeve into which he or she can insert his or her ballot or (2) places a privacy sleeve in each voting booth.

§ 37 — Compliance with the Help America Vote Act

The act eliminates an obsolete provision requiring lever voting machines to be delivered to polling places by 6 p.m. the evening before an election. Instead, it requires each voting system, which the secretary of the state must have approved

for use in an election, to be (1) delivered to the polling place no later than one hour before the polls open, (2) ready for use when it arrives there, and (3) tested and operable. The voting systems covered include those equipped for individuals with disabilities to comply with the Help America Vote Act (P. L. 107-252). The change to the delivery deadline applies also to furniture and appliances necessary for conducting the election.

VOTERS

§ 41 — Voting Assistance

By law, individuals may receive voting assistance from anyone other than their employer, employer's agent, or union representative. With one exception, the act adds candidates whose names appear on the ballot to those prohibited from providing such voting assistance. It allows a candidate to provide assistance if the elector making the request is an immediate family member. Under the act, "immediate family" means the candidate's spouse, child, parent, or dependent relative residing with the candidate.

§ 56 — Permanent Absentee Ballot Status

The act makes electors with permanent disabilities eligible for permanent absentee ballot status. Until they are removed from the permanent absentee ballot list pursuant to the act or from the town's official registry list, or request not to receive the ballots, they receive an absentee ballot application for each election, primary, and referendum in the municipality in which they are eligible to vote.

Eligibility. To be eligible for permanent absentee ballot status, electors must file an absentee ballot application together with a doctor's certificate stating that they have a permanent disability and are unable to appear in person at their polling place.

Annual Notice to Determine Eligibility. The registrars of voters must send an annual written notice in January, on a form the secretary of the state prescribes, to determine if electors with this status continue to reside at the address on their permanent absentee ballot application. The registrars must:

1. remove electors from permanent absentee ballot status if they do not return the notice within 30 days or the notice is returned as undeliverable,
2. remove from the municipal registry list and send a voter registration application to electors who state that they have moved out of town, and
3. leave on permanent absentee ballot status and change the address of electors who indicate that they have moved within the same municipality.

Under the act, registrars cannot remove from the official municipal registry an elector who fails to return the notice.

§ 59 — Online Voting System for Military Personnel

Within available appropriations, the act requires the secretary of the state to recommend an online voting method for military personnel stationed out of state. The secretary must (1) look at what other states have done to reduce potential fraud and (2) determine whether any such system may be appropriate for

Connecticut.

By January 1, 2012, the act requires the secretary to report to the Government Administration and Elections Committee on her progress in recommending the online system.

ELECTION OFFICIALS

§§ 17, 27, 30-32, 34, 40, 42-46, 53, 65, 68 & 69 — *Registrars of Voters*

The act transfers certain election-related duties from town clerks to registrars, generally conforming law to practice. For example, it requires registrars of voters, instead of town clerks, to (1) submit sample ballots to the secretary of the state for approval and provide them to each polling place and (2) provide ballots for an adjourned primary resulting from a tie vote. The act similarly requires the secretary to direct registrars, rather than town clerks, to cancel an adjourned primary when one of the candidates withdraws or become disqualified.

The act requires the secretary of the state to (1) send the explanatory text for proposed constitutional amendments to registrars, not just town clerks, and (2) send posters explaining these amendments to registrars, rather than clerks. It also makes registrars responsible for displaying the posters at polling places and other required locations.

The act eliminates a requirement that registrars who are at the polling place during polling hours (1) be available by telephone and notify all registrars of voters' offices in the state of their phone number, (2) be connected to the CVRS, and (3) have all voter-card files in the polling place for reference. It instead specifies that either the registrars or their designees must be in their office.

Two per Town. Beginning January 9, 2013, the act eliminates the authority of legislative bodies in towns with two voting districts to elect two registrars of voters per district, thus capping at two the number of registrars in each municipality under most circumstances.

The act retains existing law's provision that permits the election of more than two registrars per municipality if the top two vote-getters are not major party candidates. By law, the two candidates for registrar receiving the most votes are elected. If a major party candidate is not one of them, he or she is also elected. This means a municipality could have up to four registrars of voters if both of the top two vote-getters are minor party or petitioning candidates. For purposes of selecting registrars of voters, a "major party" is one with the largest or next largest number of enrolled members in the state, according to the latest enrollment list that the secretary of the state maintains.

Until January 9, 2013, in any municipality divided into two voting districts:

1. registrars of voters must continue to hold voter registration sessions in each district, as required by law;
2. registrars or assistant registrars must remove an elector's name from the enrollment list when he or she moves between the municipality's districts and report it to the registrar or assistant registrar of the same political party representing the new district so that they may add it to their list;
3. registrars of voters in the first district must submit to the secretary of the

state the total number of electors added to and removed from the registry list; and

4. registrars in each district may appoint unofficial checkers.

The act makes a conforming change by eliminating the provision under which such municipalities must compensate only two registrars of opposite political parties, even if they have more, for the two training conferences they attend per year.

§ 17, 47 & 52— Poll Workers

The act allows a municipality with one voting district to hire poll workers who reside outside the district, as long as they are state electors. Municipalities with more than one voting district already have this option.

The law permits registrars of voters to replace certain poll workers whom they find to be incompetent. With respect to registrars' replacement authority, the act (1) extends it to allow for the replacement of assistant registrars and ballot clerks; (2) eliminates it with respect to challengers; and (3) maintains it for moderators, tabulator tenders, and official checkers.

Finally, for presidential preference primaries held at the same time, the act removes the requirement that polling place moderators be enrolled in one of the parties holding the primary, thus allowing registrars to appoint unaffiliated moderators if they jointly agree. Existing law, unchanged by the act, requires head moderators for presidential preference primaries to be enrolled members of one of the parties in the primary.

§ 36 — Unofficial Checkers

The act lifts the in-town residency requirement for certain unofficial checkers. Prior law required unofficial checkers for groups of three or more candidates whom the same minor party nominated to be electors of the town. Under the act, they need only be state electors.

POST-PRIMARY AND -ELECTION PROCEDURES

§§ 10 & 11 — Counting Absentee Ballots

The act eliminates the requirement that absentee ballots be counted at specified times throughout the day of a primary, election, or referendum (i.e., 12 p.m., 6 p.m., and at the close of the polls). It instead permits these ballots to be counted once during the day and authorizes registrars to designate the time when absentee ballot counters must arrive at each polling place or central counting location, whichever applies.

Existing law, unchanged by the act, requires town clerks to deliver absentee ballots to registrars for checking at specified times throughout the day of a primary, election, or referendum.

§ 52 — Transmitting Presidential Primary Returns Electronically

The act conforms the process for submitting presidential primary returns to

the process for submitting election returns. Specifically, it gives moderators the option of electronically transmitting their presidential preference primary returns to the secretary of the state provided they send them no later than 11:59 p.m. on the day of the primary or mail or hand deliver a copy no later than 2 p.m. the day after the primary.

Under prior law, moderators could only hand deliver their returns to the secretary or state police (for delivery to the secretary) by 2 p.m. on the day after a primary.

§ 21 — Recanvass Procedures

By law, election officials must recanvass an election when there is a discrepancy, close vote, or tie. The act establishes a deadline by which moderators must notify the town committee chairperson and, in a state election, the secretary of the state, of a recanvass: 24 hours after determining one is needed.

The act eliminates the requirement for town clerks to serve as recanvass officials and transfers most of their responsibilities concerning recanvasses to registrars of voters, including maintaining possession of the voting tabulator keys. It also authorizes (1) the moderator to use as many other recanvass officials as necessary, in addition to the checkers, absentee ballot counters, and registrars who serve under existing law and (2) town committee chairs to send any number of representatives, not just two, to witness a recanvass.

§ 55 — CAMPAIGN FINANCE

The law imposes a ban on lobbyist contributions to committees associated with candidates for statewide or legislative office while the General Assembly is in session. Prior law banned a PAC established by two or more individuals from accepting lobbyist contributions during session unless the PAC filed a certification with the SEEC demonstrating that it was not (1) established for an assembly or senatorial district; (2) established by or in consultation with a state officer, member of the General Assembly, or their agent; or (3) controlled by such a member, officer, or agent.

The act (1) extends the sessional ban to PACs established for ongoing political purposes associated with candidates for legislative or statewide offices and (2) removes the certification requirement. It instead prohibits a PAC established by two or more individuals or for ongoing political purposes from accepting lobbyist contributions during the legislative session unless, by November 15, 2012, it files a registration statement with the SEEC. By law, campaign treasurers must file these registration statements within 10 days of the PAC's organization and include in it information on the PAC's purpose and who established or will control it.

Under the act, the SEEC must evaluate existing registration statements, rather than the separate certification forms, to determine whether a PAC established by two or more individuals or for ongoing political purposes is subject to the sessional ban on lobbyist contributions. The act requires these PACs to submit a registration statement by November 15 of each even-numbered year, even if the

information stays the same. In the absence of a biennial registration, the PAC is subject to the sessional ban.

BACKGROUND

Ballot Form and Layout

According to the Office of the Secretary of the State, it is the general practice to print regular ballots on white paper and absentee ballots on yellow paper. If there is a mistake on a ballot and it requires reprinting, the reprint will usually be on a different color paper. In addition, the office sometimes prints demonstration ballots in red ink.

Machine Mechanics and Technicians

The optical scan voting tabulator self-tests before it is used. If a tabulator jams or otherwise malfunctions, the tabulator tender notifies the appropriate election official, who replaces it (Conn. Agencies Reg. §§ 9-242a-9 and -16). Voting tabulator technicians, formerly machine mechanics, do not repair the machines and, in practice, towns generally do not have the position.

OLR Tracking: KS:SNE:VR:ts